



Office for Democratic Institutions and Human Rights

MONTENEGRO

EARLY PARLIAMENTARY ELECTIONS

11 JUNE 2023

ODIHR Election Observation Mission
Final Report



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ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities of Montenegro, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) for the 11 June 2023 early parliamentary elections. The ODIHR EOM assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, and national legislation. For election day, the ODIHR EOM was joined by delegations of the Parliamentary Assembly of the Council of Europe and the European Parliament to form an International Election Observation Mission (IEOM).

In its Statement of Preliminary Findings and Conclusions issued on 12 June, the IEOM concluded that the elections “were competitive and well-run despite taking place in a context of a protracted institutional and constitutional crisis. The elections were efficiently managed by the election administration, the campaign was free and voters were offered a wide choice. The public broadcaster provided balanced election coverage, but, overall, the media environment is polarized and some private media reported along party lines. The legal framework provides a basis for the democratic conduct of elections, but it should be comprehensively revised to address a number of gaps and inconsistencies. The inclusion of women in political life remains low and is undermined by insufficient state and public efforts to overcome gender stereotypes and the failure of most political parties to promote their participation. Election day was transparent, calm and professionally managed with some procedural safeguards not always followed during the counting”.

The electoral legal framework provides a basis for the conduct of democratic elections; however, it contains gaps, inconsistencies and ambiguities that need to be addressed for it to be fully sound. The election law has not been amended since 2014. Most prior ODIHR recommendations remain unaddressed, including on residency requirements for voting and candidacy rights, registration of candidate lists representing national minorities, campaign finance oversight and sanctions, invalidation of results, media oversight and election dispute resolution.

Technical preparations for the elections were conducted efficiently and according to established deadlines. Sessions of the State Election Commission (SEC) were open to observers and media, and the decisions were published, all of which enhanced transparency at the national level. Municipal Election Commissions (MECs) generally carried out their duties efficiently, but transparency at the municipal level was sometimes lacking. Voter education activities conducted by the SEC were limited and only conducted late in the process. The SEC provided lower-level commissions with criteria to make polling stations accessible for persons with disabilities, but on election day it was observed that these were largely not followed. Local organizations reported low participation of persons with disabilities within the electoral administration.

The voter register included 542,468 voters. Voters could verify their data and request clarifications with the Ministry of Interior (MoI). A broad range of stakeholders have the right to inspect the voter list but the MoI did not receive any notifications. The length of residency requirement to be eligible as a voter is contrary to international standards. Longstanding concerns regarding the accuracy of the

¹ The English version of this report is the only official document. An unofficial translation is available in Montenegrin.

voter list persist, notably regarding persons living abroad and deceased persons included in the list, which diminishes public trust in voter registration framework.

In an inclusive manner, the SEC registered a total of 1,113 candidates on 15 lists. Despite previous ODIHR recommendations, voters may sign in support of only one list limiting freedom of association. The process of signature collection is prone to abuse and does not ensure integrity. Some IEOM interlocutors expressed concerns regarding the practice of political parties using voter data and the forging of signatures in support of their candidate list was present during the elections. Voters could check online if they have been included in the SEC database as supporting a candidate list, but only after the lists have been confirmed by the SEC. This does not provide a timely and effective legal remedy. SEC also raised concerns to the ODIHR EOM about time constraints and logistical challenges while conducting the signature verification process, which was exacerbated by the last-minute submission of the majority of lists.

Preferential rules apply for registering candidate lists representing national minorities, but the lack of clarity regarding the criteria for granting the national minority status for a list creates uncertainty. The SEC registered four lists representing minorities which cumulatively won 10 seats in the parliament (12.3 per cent). Albanians, Bosniaks and Croats were also integrated in major political parties' lists, including in potentially winning positions.

The campaign was competitive, contestants could campaign freely, and voters were offered a wide choice. Legal and political uncertainty regarding whether the elections would be held on the set date contributed to a low-key start of the campaign which gained in intensity in the last two weeks. The economy was the key topic in the campaign, but some contestants resorted to populist and divisive rhetoric, including on national and religious grounds. A number of political parties included in their campaigns the topic of the European Union (EU) membership highlighting the country's long-standing commitment to EU integration. Campaigning on social networks largely reflected the offline campaign, though instances of early campaigning and negative rhetoric were observed more frequently. The use of administrative resources in the campaign is prohibited by law but can be easily circumvented and numerous public employment contracts were issued in the election period. There was a lack of clear distinction in the campaign between the role of some candidates also serving as senior officials, including in their activities on social networks.

Despite a number of legal affirmative measures to enhance gender equality, women remain underrepresented, largely because political parties fail to promote their participation beyond the legal minimum and state and public efforts are insufficient to overcome gender stereotypes. Only 35.67 per cent of the registered candidates were women, and only one list was led by a woman. Only 17 women (20.9 per cent) won parliamentary seats in the 11 June polls, which is a decrease in comparison with the results of the 2020 parliamentary elections. The 2023 parliamentary elections are the third ones in which the current affirmative measures have been applied, yet successively less women have been elected. Women are also underrepresented in the election administration, as only 3 of the 11 SEC members and 37 per cent of MEC members are women.

Most previous ODIHR and Council of Europe recommendations related to campaign finance remain unaddressed and the mechanisms currently in force are inadequate for the effective verification of donations or checks on expenditure. The Agency for Prevention of Corruption (APC), which is responsible for oversight of campaign finance, published campaign finance reports of the contestants in a timely manner. However, expenditure incurred prior to candidate registration, on in-person campaign events and on Google Ads is not monitored. Third-party campaigning is prohibited but the law does not provide for sanctions. Overall, the regulatory framework does not ensure the transparency, integrity, and accountability of campaign finances.

The media environment is free and diverse but polarized along political lines. In general, freedom of media is well protected by legislation. Overall, voters received pluralistic media coverage and candidates were offered access to public and private broadcasters. However, the effectiveness of the oversight of media-related campaign regulations is weakened by the lack of a regulatory body mandated to oversee the conduct of broadcast media's compliance with the election law. The public broadcaster offered contestants free airtime and equal access to election coverage, but provided limited news coverage of the campaign. ODIHR EOM media monitoring showed that while some private media offered balanced coverage, *Prva TV* and *Adria TV* displayed a bias in favour of "For the Future of Montenegro" candidate list.

The dispute resolution mechanisms, as currently implemented, do not ensure due process, transparency or an effective and timely remedy. Prior to election day, the SEC received two complaints while the APC received 13 complaints on public employment and public spending, which were still pending review some two months after the elections. The Constitutional Court received two appeals by lists denied registration and rejected them. The Court failed to review the constitutionality of the presidential decree dissolving parliament due to a tied vote, attributed by ODIHR EOM interlocutors to its politicization. The SEC reviewed complaints in public sessions but without the presence of the parties to the dispute and does not maintain a public complaints database. In the absence of legal requirements, at odds with international standards, the Constitutional Court deliberated in closed sessions, without the presence of the parties, it did not serve its decisions to the parties and only published some information on outcomes.

Election day was calm and professionally managed, with IEOM observers reporting positively on the conduct of all stages of the voting process. The process was transparent, voter IDs were checked, and procedures followed in the vast majority of polling stations, with some procedural omissions. The majority of polling stations did not provide for independent access for persons with disabilities. Women represented 33 per cent of the polling staff. The vote count at polling stations was transparent but slightly less well managed than the voting process, with procedural safeguards not always followed. The tabulation process was assessed positively at all 25 MECs. Nevertheless, the SEC did not publish partial results on election night, limiting transparency and the accountability of the election process.

After election day, two lists which fell just below the legal threshold to obtain seats requested invalidation of results and repeat voting in more than 130 polling stations. The complainants alleged mismatching numbers of ballots and control coupons or voters' signatures, which by law entails mandatory invalidation of results. The respective MECs rejected the requests for repeat voting in all but two of the polling stations. All of the MEC decisions on invalidation of results were appealed to the SEC, which decided to cancel the scheduled repeat voting. Two SEC decisions were appealed to the Constitutional Court, which reversed one decision and ordered repeat voting in one polling station. The SEC published final results on 15 July.

This report offers recommendations to support efforts to further enhance the integrity of elections in Montenegro and bring them closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to the need to consider electoral reforms to address the gaps and inconsistencies in election-related legislation, protecting the integrity of voter data on voter lists, providing for effective oversight of media coverage of the campaign, enhancing transparency in election dispute resolution, ensuring appropriate access for persons with disabilities to the electoral process, and considering how to make the affirmative measures for women's participation in political life more effective. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of Montenegro and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 5 May to observe the 11 June 2023 early parliamentary elections.

The mission assessed the compliance of the election process with OSCE commitments, other international obligations and standards for democratic elections, as well as with national legislation. For election day, the ODIHR EOM jointed efforts with delegations from the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). The ODIHR EOM was led by Nina Suomalainen. The EP delegation was led by Nikos Papandreou and the PACE delegation was led by Reinhold Lopatka. All three institutions have endorsed the 2005 Declaration of Principles for International Election Observation. This final report follows a Statement of Preliminary Findings and Conclusions, released on 13 June 2023.²

The ODIHR EOM consisted of a 12-member core team based in Podgorica and 12 long-term observers (LTOs) deployed on 13 May to 6 locations across the country. The EOM was joined by 92 short-term observers (STOs) deployed by ODIHR. On election day, the IEOM consisted of 129 observers from 27 countries, including the 19-member delegation from PACE and 6-member delegation from the EP; 67 (45.58 per cent) of observers were women.

The mission wishes to thank the authorities of Montenegro for their invitation to observe the elections, and the State Election Commission (SEC) and the Ministry of Foreign Affairs for their assistance. The mission also expresses its appreciation to other state institutions, the judiciary, political parties, media, civil society organizations, international community representatives and other interlocutors for their co-operation.

III. BACKGROUND AND POLITICAL CONTEXT

Montenegro is a parliamentary republic with a mixed parliamentary and presidential political system. Regular elections for the 81-seat unicameral parliament (*Skupština*) are held every four years. In the last parliamentary elections, held in 2020, the Democratic Party of Socialists (DPS), which ruled the country since 1991, moved to the opposition despite having won the largest number of seats. A slim parliamentary majority of 41 members of parliament (MPs) was formed by a broad coalition of political parties united in three different political blocks.³

The 11 June 2023 early parliamentary elections took place against the backdrop of a protracted institutional and constitutional crisis. The government of Zdravko Krivokapić from the Democratic Front (DF) fell in February 2022. The subsequent government of Prime Minister Dritan Abazović received a no-confidence vote on 20 August the same year. As the former President, Milo Đukanović, refused the prime ministerial nomination of Miodrag Lekić from the Democratic Alliance (DEMOS) and the government of Mr. Abazović remained in office. Amendments to the Law on the President to allow nomination of a prime minister supported by a majority of MPs if the president declines to do so were adopted by the parliament on 12 December 2022 but not applied. On 16 March 2023, President Đukanović dissolved the parliament and called for early elections to take place on 11 June,

² See previous [ODIHR election observation reports on Montenegro](#).

³ The DPS won 30 of the 81 seats. The government was formed by For the Future of Montenegro, with 27 seats; Peace is Our Nation, 10 and In Black and White, 4. The Social-Democratic Party (SDP) won 2 seats; Social Democrats (SD), 3; Bosniak Party (BS), 3; the Albanian coalition “Unanimously” and the Albanian List of Genci Nimanbegu won 1 seat each.

yet questions regarding the constitutionality of the provisions that underpinned the call for early parliamentary elections remained (see *Legal Framework*).

The early parliamentary elections were held immediately after the 19 March presidential election, with a second round on 2 April. In the second round, the former President Milo Đukanović lost to Jakov Milatović, the Minister of Economic Development in the government of Zdravko Krivokapić and one of the leaders of ‘Europe Now’, a political movement established in 2022. Since then, two of the key opposition parties in the outgoing parliament – the DPS and the Social Democratic Party (SDP) – changed their leaders. The DF, a three-party opposition bloc established in 2012 and comprising the Democratic People’s Party (DNP), the New Serb Democracy (NOVA), and the Movement for Changes (PZP), announced its dissolution. United Reform Action (URA), the party led by the Prime Minister Dritan Abazović, created a centrist bloc with Democratic Montenegro (DCG). A number of smaller parties also changed their alliances. Montenegro was granted European Union (EU) candidate status in 2010 with membership negotiations starting in 2012.

Despite previous ODIHR recommendations, the inclusion of women in political life remains low and is undermined by insufficient state and public efforts to overcome gender stereotypes. Women hold some prominent positions, such as the Mayor of Podgorica, the Head of the Podgorica Municipal Council and the acting President of the Supreme Court, but overall they remain underrepresented in political life. There were 23 women (28.4 per cent) in the outgoing parliament, in which for the first time a Women’s Club, focusing on women’s issues and specific legislation related to the advancement of women, was established. Out of the 17 members of the government in place leading up to the 2023 early parliamentary elections, 3 were women (17.6 per cent), and a number of ODIHR EOM interlocutors stated that a legislative quota for women participation in executive organs of the government should be introduced. Three out of the six sitting judges of the Constitutional Court are women.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The 81-member parliament is elected for a four-year term from closed candidate lists under a proportional representation system in a single nationwide constituency. Candidate lists are eligible for seats if they obtain at least 3 per cent of the valid votes cast.

Preferential rules apply for lists representing national minorities not exceeding 15 per cent of the total population.⁴ If none of the lists representing the same national minority surpasses the 3 per cent threshold, all the lists which have obtained each at least 0.7 per cent of the votes are granted up to three seats, jointly, based on the sum of their votes.⁵ The frontrunner among the Croat minority lists is granted a seat provided that it has obtained at least 0.35 per cent of the votes. Several ODIHR EOM interlocutors raised concerns that some contestants abuse the preferential terms for national minority lists in order to more easily gain representation in parliament.⁶ Interlocutors noted that persons belonging to national minorities are also elected on mainstream candidate lists.⁷

⁴ Namely, lists representing the Bosniaks, Albanians, Muslims and Roma.

⁵ For instance, in the 2020 parliamentary elections the Albanian Forum obtained 5,671 votes or 1.88 per cent of the votes and the Albanian Alliance 4,520 votes of 1.5 per cent and both jointly received three seats. Croatian Civic Initiative (HGI) obtained 2,231 votes (0.74 per cent) and 1 seat.

⁶ Candidate lists need an average of 5,500 votes for a seat, national minority lists may be granted a seat with 1,500 votes (0.35 per cent) or 3,000 votes (0.7 per cent).

⁷ There are no legal quotas or internal party mechanisms for including national minorities representatives on candidate lists. The coalitions led by DPS, ES, DPS, SD, URA informed the ODIHR EOM that they have members of national minorities on their candidate lists.

Parliamentary elections are primarily regulated by the 2007 Constitution, the 1998 Law on Elections of Councillors and Members of Parliament (election law), the 2020 Law on Financing of Political Subjects and Election Campaigns (political finance law) and State Election Commission (SEC) instructions. While a new political finance law was adopted in 2020, the parliament has not amended the election law since 2014.⁸ The Constitution requires a two-thirds majority in parliament for amendments to laws regulating the electoral system, but opposition parties largely abstained from the parliamentary committees on electoral reform, diminishing the possibility for changes. In 2019, a draft election law was elaborated but not tabled in parliament.⁹

The electoral legal framework provides a basis for the conduct of democratic elections, however, it contains gaps, inconsistencies and ambiguities that undermine its effectiveness and need to be addressed for it to be fully sound.¹⁰ Most prior ODIHR recommendations remain unaddressed, including on residence requirements for voting and candidacy rights, registration of candidate lists representing national minorities, campaign finance oversight and sanctions, grounds for invalidation of results, media oversight and election dispute resolution.

A comprehensive review of the legal framework should be undertaken to address previous ODIHR recommendations, and eliminate existing gaps and inconsistencies. In line with international good practice, the review process should be open, inclusive and consultative and take place well before the next elections.

The Constitution falls short of sufficiently regulating issues pertaining to the call of early parliamentary elections, including regulating a process in case of a vote of no confidence, raising concerns about the constitutionality of the call of these elections and causing uncertainty whether the elections would be held.¹¹ The aforementioned amendments to the Law on the President were aimed at regulating these gaps in the Constitution but were not applied.¹² The European Commission for Democracy through Law of the Council of Europe (Venice Commission) acknowledged the gaps but cited that these required constitutional reform rather than legal amendments.¹³ In December 2022, a complaint was filed against the constitutionality of the legal amendments to the Law on the President, which was reviewed on 26 June, after election day.¹⁴ The pending court decision, including the possibility of cancelling the elections, caused uncertainty in the run-up to the elections. On 17 March,

⁸ In 2016, 2017 and 2020, the Constitutional Court amended the election law by repealing the termination of office of MPs in case of incompatibility with another public office, the disenfranchisement of voters with a mental disability and a provision dealing with providing access for voters with disabilities to polling stations.

⁹ See the [Venice Commission and ODIHR Urgent Joint Opinion on the draft election law \(October 2020\)](#).

¹⁰ For instance, the law does not define the grounds for the invalidation of election results by the Constitutional Court and liability for forgery of voters' signatures for nomination of candidates and does not prescribe the format for publishing tabulated results. The law stipulates that appeals may be filed against Municipal Election Commission (MEC) and SEC decisions rejecting or dismissing complaints but not against other decisions, actions and inactions. The rules on invalidation of results allow for arbitrary decisions, and the deadlines for challenging election results extend beyond the deadline for final results.

¹¹ Article 92.1 of the Constitution stipulates that: "The parliament is dissolved in case it fails to elect a government within 90 days from the date the president nominated for the first time a candidate for prime minister," but it does not regulate a process in case of a vote of no-confidence.

¹² The new article 7.f.1. of the Law on the President stipulates: "If the President does not perform his duties with regard to the procedure of determining the Prime Minister-designate pursuant to the present Law, for the sake of protecting the public interest, the candidate who has received support by the majority of the total number of MPs, as established by a petition with signatures, shall be considered a Prime Minister-designate".

¹³ On 9 December 2022, the Venice Commission issued an [Urgent Opinion](#) that stated, *inter alia*, that "While the Commission acknowledges that the Constitution would benefit from additional regulation on the formation of the government, in particular, to prevent deadlocks, and understands that the law under consideration represents a pragmatic attempt to solve the institutional impasse, it reiterates that any complementary provisions which affect the system of checks and balances foreseen by the Constitution should be added by means of constitutional revision, following the procedure described in Art. 156, which requires a qualified majority".

¹⁴ The complaint was filed by the Advisor to the former President and the Center for Democratic Transition (CDT).

another complaint was filed by 41 MPs against the constitutionality of the 16 March presidential decree dissolving parliament, which was denied review by the Constitutional Court (see *Election Dispute Resolution*).

Constitutional provisions regarding the call for parliamentary elections should be amended to ensure clarity and procedural certainty in the appointment of the government and the dissolution of parliament.

V. ELECTION ADMINISTRATION

The election administration structure for the parliamentary elections comprises three hierarchical levels, headed by the SEC. At the second level, there are 25 Municipal Election Commissions (MECs). Both the SEC and MECs are permanent bodies with four-year terms. Some 1,200 *ad hoc* Polling Boards (PBs), established for each election constitute the third level.¹⁵

The SEC is composed of 11 members, MECs and PBs of 5 members. The permanent composition of SEC comprises a chairperson and 10 members. The chairperson, independent of a political affiliation, is appointed by parliament following a public call. Of the remaining 10 members, 4 are nominated by the parliamentary majority, 4 by the parliamentary opposition, 1 by the national minority group which received the highest number of votes in the previous parliamentary elections and 1 by civil society or academia. Each MEC consists of a chairperson plus four permanent members. A MEC chairperson is appointed by the party or coalition that won most votes in the previous municipal elections, two members are appointed by the majority in the respective council and two by the minority.¹⁶ PB members are appointed by the respective MEC on the same basis.

While the majority of IEOM interlocutors noted the politicised method for nomination of members of the SEC and the MECs, they did not raise major concerns with the efficiency of their work and overall trust. The SEC has adopted a code of conduct prescribing the principles, rules and obligations to which election management bodies should adhere.

By law, election commissions are accountable to the bodies appointing them. However, there is a lack of clear criteria for dismissing members. While this was not an issue for these elections, the lack of clear criteria in the law means their independence could be unduly impacted.¹⁷ Further, the legislative requirement for all commission members, and at all levels, to be graduate lawyers, limits participation in the election administration.¹⁸

The independence of election commissions should be strengthened by ensuring security of tenure, with the establishment of clear and objective criteria for the grounds for dismissal of election commissioners.

¹⁵ By 31 May, 1,154 PBs were formed for these elections.

¹⁶ MECs in Kolašin, Pljevlja and Šavnik are not based on the most recent election results as prescribed by law, among other reasons due to a failure to successfully conclude municipal elections in those locations. In Andrijevića, the MEC president should have been nominated by the DPS-SD coalition, but the local council appointed an SNP-nominated president.

¹⁷ Paragraph 77 of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report](#) states that "... bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable, but recall for disciplinary reasons is permissible - provided that the grounds for this are clearly and restrictively specified in law".

¹⁸ Article 25(c) of the [UN CCPR General Comment No. 25](#) states that "every citizen shall have the right and the opportunity [...] without unreasonable restrictions to have access, on general terms of equality, to public service in his country". Some stakeholders informed the ODIHR EOM that the interpretation of this provision in practice is rather flexible and any university degree close to a law degree can be deemed acceptable.

For a limited time during the electoral period, permanent members of the SEC, MECs and PBs are joined by members representing registered candidate lists who enjoy full voting rights. However, candidate lists do not always nominate them, or do so late in the process as there is no deadline for their appointment, resulting in lower-level commissions varying in size. Due to the appointing mechanism of both permanent and extended members, the composition of the SEC and MECs showed a predominance of members nominated by the contestants forming the candidate list ‘Together!’. The procedure of appointment thus proved ineffective for these elections; nevertheless ODIHR EOM interlocutors did not raise concerns regarding this.

Women are underrepresented in the election administration. Only 3 out of 11 permanent SEC commissioners and 37 per cent of MEC members are women. Local authorities do not collect data about the gender composition of the lower-level commissions.¹⁹

The election administration should collect and publish gender disaggregated data in a comprehensive manner to facilitate the development of targeted measures aimed at increasing the participation of women.

The SEC conducted technical preparations for the elections efficiently and according to established deadlines. Decisions were based on substantive discussions. SEC sessions observed by the ODIHR EOM were open to observers and media, agendas were posted in advance, and decisions were published, enhancing the transparency of the process.

The ODIHR EOM observed that, overall, MECs carried out their duties efficiently. However, the transparency of the process at the municipal level was sometimes lacking, with an inconsistent approach to the publication of agendas and minutes of MEC sessions.²⁰ The ODIHR EOM noted that in some instances MEC sessions were often held *ad hoc* and at short notice, making it challenging for some stakeholders to attend them.²¹

To enhance transparency and accountability, Municipal Election Commissions should facilitate public participation in their meetings through timely publication of agendas and minutes of the respective sessions.

The SEC made notable efforts and issued detailed criteria for setting-up polling stations in an accessible manner for people with disabilities in consultation with local stakeholders, and trained the

¹⁹ Paragraph 40.13 of the [1991 OSCE Moscow Document](#) commits participating States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”. Paragraph 48 of the [Convention on the Elimination of all forms of Discrimination Against Women \(CEDAW\)](#) General Recommendation No. 23 notes that “State parties should ... (d) include statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy [political] rights”. [See also the 1989 General Recommendation No. 9 of the CEDAW Committee \(A/44/38\)](#) “States parties should ensure ... that their national statistical services ... formulate their questionnaires in such a way that data can be disaggregated according to gender”; and [Goal 17.18 of the UN 2030 Agenda for Sustainable Development adopted in 2015](#) which commits “states to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location”.

²⁰ The ODIHR EOM noted that the MECs in Berane, Bijelo Polje, Cetinje, Danilovgrad, Gusinje, Herceg Novi, Kolašin, Kotor, Nikšić, Pljevlja, Plužine, Podgorica, Rožaje, Šavnik and Tivat, published the list of polling stations on their websites but did not publish meeting agendas and minutes. In Mojkovac, Petnjica, Plav, Ulcinj, Tuzi, Zeta, and Žabljak, MECs did not publish any information or documents on their websites. The MEC in Budva published the minutes of its sessions, while the MECs in Andrijevica and Bar published more information and kept their websites updated.

²¹ The ODIHR EOM observed that in Bar, MEC meetings were held on an *ad hoc* basis. In Ulcinj, the MEC informed the ODIHR EOM that they met as needed and public notice of meetings was not required. In Berane, the ODIHR EOM was informed that MEC meetings were held as required but as these are not public the dates were not published.

MECs on such provisions. Despite these efforts, in several cases the ODIHR EOM observed a lack of practical implementation of these criteria during election day by lower-level election commissions (see *Election Day*). Local organizations reported low participation of persons with disabilities within the election administration. Mobile voting provisions were in place for voters with health-related issues, and assisted voting by a person of choice was possible for those with disabilities and illiterate voters. Special polling stations were set up in prisons and detainee facilities.

The SEC conducted capacity-building training on election day procedures for all MECs and produced comprehensive manuals and a video, including in sign language. MECs were responsible for training their respective PBs but the training lacked a uniform approach. Additionally, the possibility for registered lists to change nominated PB members up to a day before the vote discourages MECs from organizing the training until close to election day.²² Voter education was insufficient and limited to a video prepared by the SEC on election day procedures aired on TV channels and online close to election day (see also *Voter Registration*).²³ Voters also received an invitation to go to vote from the Ministry of Interior (MoI).

The authorities, including the election administration, should consider consistent implementation of the training programme for election management bodies as well as the development of a comprehensive long-term voter education and information programme for different target audiences in close consultation with organizations representing these groups. Voter education and information materials should be produced in line with accessibility standards.

VI. VOTER REGISTRATION

All citizens aged 18 or over, who have permanent residence in the country for at least two years prior to election day, have the right to vote. The length of this residency requirement is at odds with international standards and good practices.²⁴

The length of the residence requirement for voters should be reviewed in line with international standards and good practice.

Voter registration is passive. The MoI manages and compiles the voter register, aggregating data from the registers of residence, citizenship, births, and deaths. Voters can verify their data in person, online or via a call centre and may request clarification and corrections to the MoI no later than 15 days before election day. By law, the SEC, MECs, accredited observers, parliamentary parties, and candidate list representatives have the right to inspect the voter list and notify the MoI of deficiencies.

Overall, the voter registration process was transparent. Nevertheless, the trust in the voter registration framework is diminished as some IEOM interlocutors reiterated longstanding concerns about the accuracy of the voter list, notably regarding the number of voters living abroad and deceased persons

²² In Berane and Tuzi, the ODIHR EOM was informed that training would take place just prior to election day due to the high chance for changes to the nominated extended members. In Herceg Novi, the MEC informed the ODIHR EOM that it would not hold regular training for every board member, as some were experienced, but offered instructions on 7 and 8 June, as required. Section II.3.1.g of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#) states that "members of electoral commissions must receive standard training".

²³ Article 11 of the [UN CCPR General Comment No. 25](#) states: "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community".

²⁴ Articles 11 and 14 of the [UN CCPR General Comment No. 25](#) state "If residence requirements apply to registration, they must be reasonable", and "... grounds for deprivation of voting rights should be objective and reasonable", while Section I.1.1.c of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#) states that "a length of residence requirement may be imposed on nationals solely for local or regional elections".

included in the register resulting mainly from possible omissions in reporting deaths to the local authorities. Moreover, the alleged practice of voters changing their residence before elections to vote further impacts on trust in the register.²⁵

To address concerns over the accuracy of the voter lists and increase public confidence, consideration should be given to revising the mechanism of reporting and registration of deaths to ensure timely data exchange and correction of citizens' records. Various stakeholders, including political parties and civil society organizations, should be consulted on the legal changes in this regard.

Legislation requires biometric identification of voters on election day, which provides safeguards against misuse of the register. The MoI conducted a verification of fingerprints recorded in the voter register to identify and eliminate any duplications, and reported that no such duplications were found.

Voter education and information campaigns to provide voters and stakeholders with information about the opportunities for corrections and updates were lacking but could strengthen citizens' engagement in the electoral process and contribute to creating an informed community. The MoI closed the voter register on 31 May and informed the IEOM that it did not receive any requests for corrections from voters or reports from stakeholders of concerns. On 1 June, the SEC announced 542,468 registered voters.

VII. CANDIDATE REGISTRATION

All eligible voters are allowed to stand as candidates. The two-year residency requirement for the right to stand is at odds with international standards.²⁶ Political parties, coalitions, and groups of voters may nominate candidates, and the election law does not prescribe any incompatibilities. Lists must comprise a number of candidates equal to at least two-thirds and, at most, equal to the maximum number of seats available.²⁷ One in four candidates in a list must be of the underrepresented gender, and, overall, the underrepresented gender must comprise at least 30 per cent of the total number of candidates on each list. Despite the quota, there is a lack of interest among most parties to promote the participation of women beyond the legal minimum, mainly due to societal gender stereotypes and perpetuated misconception about women being less interested in politics.²⁸ Of the 1,113 candidates registered by the SEC for these elections, 397 (35.67 per cent) were women.

²⁵ According to the election law, voters living abroad retain the right to vote, and, according to the law on permanent and temporary residence, citizens who emigrate are not obliged to deregister their permanent residence. Moreover, the 2020 amendments by the Constitutional Court repealed the requirement of a six-month minimum residence prior to election day to vote in the respective electoral district. Section I.1.1.c of the the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters' Explanatory report](#) states: "Registration could take place where a voter has his or her secondary residence, if he or she resides there regularly and it appears, for example, on local tax payments; the voter must not then of course be registered where he or she has his or her principal residence".

²⁶ Article 15 of [UN CCPR General Comment No. 25](#) states that "Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". See also section I.1.1.c of the Council of Europe's Venice Commission [Code of Good Practice in Electoral Matters](#).

²⁷ For parliamentary elections, the minimum number of candidates in each list is 54 and the maximum is 81.

²⁸ Out of 15 candidate lists, only 3 reached 40 per cent of women candidates and a woman led only 1 list. [The Council of Europe's recommendation CM/Rec 2003\(3\)](#) refers to representation of men and women in all decision-making bodies in political or public life not falling below 40 per cent. Article 15 of [CEDAW's General Recommendation No. 23](#) stresses the importance of not only removing *de jure* barriers but also achieving *de facto* equality in public and political life. Article 191c of the [1995 United Nations Beijing Declaration and Platform for Action](#) provides that political parties "shall consider incorporating gender issues in their political agenda, taking measures to ensure that women can participate in the leadership of political parties on an equal basis with men".

Despite the affirmative measures promoting gender equality in elections, the number of elected women remained low. Only 17 women (20.9 per cent) won parliamentary seats in the 11 June polls, which is a decrease in comparison with the results of the 2020 parliamentary elections, in which 18 women were elected.²⁹ The 2023 parliamentary elections are the third ones in which the current affirmative measures to promote gender equality in elections were applied. None of the elections brought a substantive change to women representation in the parliament, moreover, successively less women have been elected.³⁰

To enhance women's participation in public life, comprehensive legal, institutional, and educational efforts addressing existing gender stereotypes should be undertaken by the authorities. Political parties should undertake effective measures to identify and overcome gender-biased barriers for women candidates and a thorough assessment should be conducted on the impact of the gender quota on the election of women officeholders at all levels.

Candidate lists must be supported by a minimum of 4,338 voter signatures.³¹ Preferential criteria apply to lists representing national minorities. Candidacy in more than one list is prohibited, and voters may sign in support of only one list, contrary to international good practice.³² ODIHR previously recommended removing this restriction to further promote pluralism in electoral process and respect for freedom of association.

By law, candidate lists have access to the voter list during the electoral period, while parliamentary parties have such access throughout the year. The candidate lists also have the possibility to copy the voter lists until seven days after election day. A number of ODIHR EOM interlocutors alleged that some parties unduly take advantage and use voter data from the voter list and forge signatures.³³ Voters can check online if their names have been included in the SEC database as supporting one of the candidate lists, but only once the lists have been confirmed by the SEC, which does not provide an effective or timely remedy. A voter who identifies that their name and signature were used to support a nomination without their approval may report this to the prosecutor, but the law does not

²⁹ There were 23 women parliamentarians in the outgoing parliament, as a number of MPs resigned from their positions and were replaced by their female colleagues.

³⁰ In the 2016 elections 19 women MPs were elected, in 2020, 18, and in 2023, 17. According to Article 33 of the [CEDAW General recommendation No. 25](#), “action plans for temporary special measures need to be designed, applied and evaluated within the specific national context and against the background of the specific nature of the problem which they are intended to overcome. (...) States parties should also describe in their reports the results of temporary special measures and assess the causes of the possible failure of such measures”. PACE [Resolution 2111 \(2016\)](#), Paragraph 15.2.4. recommends to “regularly monitor the impact of the implementation of quotas and other positive measures aimed at increasing the political representation of women and propose relevant recommendations”.

³¹ The number of signatures must equal 0.8 per cent of the number of registered voters in the previous electoral process.

³² The SEC verifies if the same voter has supported more than one list starting from the second list submitted. Paragraph 196 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “a requirement that a citizen be allowed to sign in support of only one party should be avoided, as such a regulation would affect his/her right to freedom of association”.

³³ Paragraph 66 of the Venice Commission 2020 [Principles for a Fundamental Rights-Compliant Use of Digital Technologies in Electoral Processes](#) states: “Citizens need to be protected in the processing of personal data particularly during the election period when large amounts of personal data are processed, including those available in the electoral registers. As regards the registers data privacy has to be balanced against the transparency required for electoral integrity“. Section I.4.54 of the Council of Europe's Venice Commission [Explanatory Report of the Code of Good Practice in Electoral Matters](#) states: “Since abstention may indicate a political choice, lists of persons voting should not be published”.

prescribe liability for such a forgery.³⁴ Overall, the process of signature collection is prone to abuse and does not adequately ensure integrity.

Access to the voter register should be limited to data required to identify voters. To strengthen the integrity of the process, access to sensitive data, such as the ID number, should be limited. A timely and adequate remedy for cases of signature forgery should be provided.

Candidate lists had to be submitted to the SEC between 7 April and 16 May. Out of a total of 17 lists submitted, 15 were registered.³⁵ The SEC initially returned eight lists for corrections due to incorrect documents or an insufficient number of valid signatures.³⁶ On 26 May, the SEC published the general candidate list, compiling all those registered for the upcoming elections. The process of candidate registration was overall inclusive and professionally administered by SEC as per established deadlines. Nonetheless, the SEC did not specify which signatures were declared invalid, delaying the ability of the lists to submit corrections.³⁷ The SEC raised concerns to the ODIHR EOM about time constraints and logistical challenges while conducting the verification process, which was exacerbated by the last-minute submission of the majority of lists.³⁸

VIII. ELECTION CAMPAIGN

The political finance law allows contestants to start some forms of campaigning after the call for elections, provided they have opened a designated bank account. After registration of a candidate list, campaigning can also start in electronic media. The campaign was initially subdued, partly due to legal uncertainty regarding the date of the elections and the last-minute registration of contestants, but became more active in the two-week period leading up to the elections. The official inauguration of President Milatović on 20 May, and the celebrations of Montenegro's independence in the following days, were the first occasions when contestants organized larger campaign events.³⁹ Generally, contestants conducted small-scale events, such as meetings with voters and door-to-door campaigning, and used online advertisement, social media, billboards and free airtime on public broadcasters.

The election law requires that campaigning via the media and public gatherings ceases 24 hours prior to election day. This provision does not extend to social media and Google Ads, both of which were used as a campaign tool on the eve of the election day and on election day, most notably by 'Aleksa

³⁴ The prosecutor has no legal deadlines to complete the investigation. After a voter reports that their signature was forged, the prosecutor requests graphological examination of the signature by the Forensic Centre which may take months or years. Previously, a similar investigation lasted four years and was terminated because the statute of limitations for forgery expired. The prosecutor launched investigations in 157 cases from the last presidential election.

³⁵ DPS registered its candidate list in coalition with the Social Democrats (SD), the Liberal Party (LPCG), and the Democratic Union of Albanians (DUA). The ES accommodated on its list the candidates of United Montenegro (UCG), the Justice and Reconciliation Party (SPP), and a number of smaller parties, while the New Serb Democracy (NOVA) and the Democratic People's Party (DNP) ran on a joint list with the Workers' Party (RP).

³⁶ Seven lists were returned due to both incorrect documents and an insufficient number of valid signatures, and one due to an insufficient number of signatures only.

³⁷ The SEC did provide information but only after a request by the Montenegrin Civic Action (CGA) list.

³⁸ Election officials reported to the ODIHR EOM that the software used to identify the voters who signed the lists suffers from overload during working hours as the platform hosts other types of state services used by different state institutions.

³⁹ On 21 May, the Government sent an SMS with Prime Minister Dritan Abazović's Independence Day greetings. Given that the Prime Minister was at the same time a candidate and the leader of URA, this could be seen as an undue advantage of incumbency.

and Dritan - Courage Counts!' ('Courage Counts!'), 'Europe Now' and 'Together!'.⁴⁰ On election day, the list 'Courage Counts!' sent text messages inviting people to cast a vote for their coalition.

Fundamental freedoms were respected during the campaign.⁴¹ The majority of contestants expressed general satisfaction with the campaign environment and the level playing field. On 25 May, representatives of 14 of the 15 registered candidate lists signed a Code for a Fair and Democratic Electoral Process, which was developed by the local NGO Centre for Democratic Transition (CDT).⁴² A number of parties opined that such a code should also become part of the electoral legislation. On 29 May, President Milatović, who is also the vice-president of the 'Europe Now' met with representatives of candidate lists, in a high-profile event, to underline the importance of a fair campaign and to improve the political environment and strengthen public trust in the electoral process.⁴³

The campaign was competitive and voters could make a well-informed choice. The economy was the key issue raised in the campaign. The DPS-led coalition 'Together!' as well as the SDP and the coalition of the Socialist People's Party (SNP) and DEMOS highlighted the importance of EU integration, while DCG and URA, running on the joint list 'Courage Counts!', as well as the PZP, emphasized combating corruption and organized crime. On 26 May, Milan Knežević, leader of DNP, attended the 'Serbia of Hope' rally in Belgrade, organized by the Serbian Progressive Party and addressed by its leader and President of Serbia Aleksandar Vučić. Mr. Knežević also addressed the gathering, praising Serbian fraternity and alleging excessive influence of foreign diplomatic representatives in Montenegrin politics. Following violent clashes in Kosovo⁴⁴ on 29 May, some electoral contestants took an active part in demonstrations in support of Serbs in Kosovo, resorting to divisive and populist rhetoric of choice between the protection of traditional and religious values and exposure to international influence.⁴⁵

On 6 June, the Minister of Interior stated that an investigation has been initiated into an allegation that the leader of the 'Europe Now' received funding from an indicted crypto-currency businessman, and the Prime Minister convened a National Security Council on the matter. This issue became part of the discourse in the final days of the campaign. The 'Europe Now' filed a criminal complaint against the Prime Minister and the Minister of Interior, alleging an abuse of office by the two public officials when dealing with the case.

Campaigning on social networks was largely in line with other forms of campaign activity, with the economy being by far the most frequently raised topic, followed by EU integration and organized crime.⁴⁶ Some contestants started campaigning on social networks before opening the requisite

⁴⁰ The Meta Ad Library showed the highest amount of spending on electoral advertisement on the eve of elections. See: Who Targets Me, [2023 Montenegrin legislative elections](#).

⁴¹ The ODIHR EOM observed 37 campaign events in 17 municipalities, organized by 11 candidates' lists.

⁴² 'For the Future of Montenegro' was the only list which did not respond to the CDT initiative.

⁴³ Representatives of 'For the Future of Montenegro', 'Justice for All, and the SDP chose not to participate in the meeting.

⁴⁴ References to Kosovo in this text should be understood in full compliance with [United Nations Security Council Resolution 1244](#).

⁴⁵ On 31 May, politicians from the SNP and the 'People's Coalition' list attended a demonstration in Podgorica. On 1 June, political parties from the list 'For the Future of Montenegro' organized a demonstration in Nikšić, supported by the Serbian Orthodox Church.

⁴⁶ ODIHR EOM conducted qualitative analysis of the narrative and tone of the campaign discourse posted on *Facebook*, *Instagram*, and *Twitter* by a range of electoral contestants and stakeholders.

dedicated bank account.⁴⁷ The majority of campaign posts enjoyed only a low level of engagement, i.e. a low number of likes, comments and shares. Analysis of the tone of the campaign posts showed that the accounts affiliated with ‘Europe Now’, URA, and DCG most frequently posted content which referred to their respective programs, and their alleged positive impact on the country’s future, while those affiliated with the PZP, SDP and DNP most often resorted to the criticism of the competitors. Instances of negative or aggressive tone or rhetoric were noted.⁴⁸ The social media posts by some political parties did not always offer a clear distinction regarding the role of their respective leader in the campaign as opposed to their role in a senior state position.⁴⁹

While campaigning on social networks, incumbents should ensure a meaningful distinction between their official functions and campaigning activities.

Both the election law and political finance law provide for measures with the aim to prevent misuse of administrative resources. They regulate, among other matters, how public employment, use of official cars, and the introduction of new public subsidies during the electoral period should be managed. However, in practice, the provisions can be easily circumvented, citing the reasons of ensuring smooth and regular functioning of state bodies, which undermines their purpose of eliminating the use of administrative resources to a political advantage. During these elections, civil society organizations called on the government and public officials to refrain from misuse of administrative resources in the campaign.⁵⁰ The Agency for Prevention of Corruption (APC), mandated to monitor the use of administrative resources, can initiate cases of possible misuse of state resources *ex officio* or upon complaints.⁵¹ A significant number of a public service and employment contracts were issued during the campaign, especially in the education and healthcare sector.⁵² The APC informed the ODIHR EOM that it is not in a position to question the pertinence of contracts and to accurately determine whether their issuance has been politically motivated.⁵³

The political finance law provides for a number of disclosure requirements, including weekly reports from public institutions on the use of state funds, budget expenditures, and the use of official cars.⁵⁴

⁴⁷ On 11 May 2023, the APC informed the ODIHR EOM that as of that date only the Civic Movement ‘Preokret’ had opened a dedicated bank account. However, instances of campaigning by other parties were noted by the ODIHR EOM prior to that date. For instance, the ‘Europe Now’ posted campaign materials on [8 May](#) and [10 May](#), DCG campaigned on [4 May](#) and [10 May](#) and the Free Montenegro (SCG), a party running in the ‘People’s Coalition’, campaigned on [8 May](#).

⁴⁸ Among others, the PZP and its leader Nebojša Medojević [called](#) for DPS politicians to be stripped of their passports and imprisoned; the SDP [called](#) the government of Zdravko Krivokapić ‘clero-nationalistic’; the DNP leader Milan Knežević [posted](#) a speech in which he called Kosovo a false state; the leader of the Democratic Union of Albanians (DUA) and a candidate, Mehmed Zenka, [stated](#) that the post-2020 governments brought bloodshed, knives, barbed wire, murder and slaughter.

⁴⁹ For example, the [Facebook account of the BS](#) presented its leader, Ervin Ibrahimović, in his capacity as deputy Prime Minister and Minister of Capital Investments as part of their campaign; ‘Europe Now’ shared on its account content from the accounts of President Milatović; and the [URA Instagram account](#) included campaign content and posts highlighting ongoing government activities, frequently with the name of the URA’s candidate list and/or logo.

⁵⁰ See the [statement](#) of the CDT and the [statement](#) of the Center for Monitoring and Research (both in Montenegrin).

⁵¹ APC informed the EOM of receiving 13 complaints on the misuse of administrative resources.

⁵² Fixed term and temporary employment contracts are exempt from the ban on new hires after the call of elections if they have been planned within the systematization of job positions. According to data published by the APC, between the call of elections until 11 June, state institutions made 5,645 new hires including 263 permanent contracts, 3,360 fixed-term and 1,697 temporary employment contracts.

⁵³ On 27 April 2023, the APC provided an [explanation](#) of the provision related to the public employment during the electoral period.

⁵⁴ The public companies, i.e. companies in which the state or municipality has at least 33 per cent of the capital, are not bound by the provisions limiting and scrutinizing their expenditures or employment during the election period, which according to the APC and civil society organizations allows for misuse of funds. For example, the Network of Affirmation of NGO Sector (MANS) [informed](#) that the employees of the public company Montenegrin Electric Enterprise (EPCG) received a ‘thirteenth’ salary in June 2023.

Institutions mostly complied with the reporting obligations, which enhanced the transparency of use of administrative resources during the electoral period, yet the available information was not presented in a user-friendly format, which weakened its value and utility.⁵⁵ A number of ODIHR EOM interlocutors stated that the Agency lacks a proactive approach in fulfilling its mandate.

Only a limited number of candidate lists promoted women's political participation and included gender-specific issues in their programs. In 43 per cent of campaign events observed by the ODIHR EOM no women candidates took part. Some women politicians, as well as civil society, informed the IEOM about the problem of violence against women in politics, which is especially acute online and which, deters some women from taking an active part in political life.⁵⁶

Representatives of 'Courage Counts!', HGI, 'Together!', and 'Yes We Can!' informed the ODIHR EOM of having persons with disabilities on their lists, yet almost none of those were placed in a winnable position. Issues related to persons with disabilities were largely absent from the electoral programs and campaign events. Of the observed campaign events, 50 per cent were held in venues which allowed for an independent access for persons with disabilities.

IX. CAMPAIGN FINANCE

Campaign finance is regulated by the political finance law, adopted in 2020, which, *inter alia*, increased the limits for donations.⁵⁷ However, most previous ODIHR recommendations remained unaddressed, including on effective verification of the legality of donations, including from public contractors, an explicit obligation of the APC to identify and publish information on unreported finances, the introduction of proportionate sanctions and the use of loans.

In addition to annual funding of parliamentary parties, registered candidate lists are entitled to public funding for the campaign, which collectively amounts to EUR 3.2 million.⁵⁸ Such a high amount of annual and campaign public funding, though, contributes to unequal financial opportunities of the contestants.⁵⁹ Each candidate list received EUR 42,121 by 1 June while EUR 2.5 million will be allocated after the elections to the lists proportionally to the seats obtained in parliament.⁶⁰ Contestants could also obtain private donations. An individual may donate up to EUR 5,000 while a legal entity up to EUR 20,000. However, all contestants informed the ODIHR EOM that they conducted limited fundraising and they largely relied on public funding, including the annual public funds of their nominating parties, which may donate to the campaign without a limit. Each candidate

⁵⁵ APC informed the ODIHR EOM of filing 43 cases against state institutions for untimely submission of reports to the Misdemeanour Court.

⁵⁶ For instance, on 19 May, the online portal *Aktuelno* published an [article](#) criticizing two URA women MPs for their political stances, resorting to derogatory and misogynistic language. The article's tone and language were criticized by political parties and civil society.

⁵⁷ In addition, the law defined campaign activities within its scope and disallowed some commercial activities of political parties.

⁵⁸ Parliamentary parties are also entitled to annual public funding, which in 2022 amounted to some EUR 5 million; 20 per cent is allocated equally to all parties, 60 per cent proportionally based on the number of seats a party secures in the parliament and the municipal assemblies and 20 per cent proportionally based on the number of women representatives a party has in both institutions. In addition, municipalities provide parties with premises or funds for renting premises.

⁵⁹ See paragraphs 232-234 of the 2020 [Venice Commission and ODIHR Guidelines on Political Party Regulation](#). "Such systems of funding should also aim to ensure that all parties, including opposition parties, small parties and new parties, are able to compete in elections in accordance with the principle of equal opportunities" and "Generally, subsidies should be set at a meaningful level to fulfil the objective of providing support, but should not be the only source of income or create conditions for over-dependency on state support".

⁶⁰ The total amount of campaign finance represents 0.25 per cent of the state budget. Twenty per cent (EUR 631,820) was disbursed equally to the 15 registered candidate lists 10 days prior to election day and 80 per cent will be allocated after submission of the final campaign finance reports, provided that no sanctions are imposed.

list could spend up to EUR 3.2 million, which according to several ODIHR EOM interlocutors is unreasonably high, allowing for excessive influence on the voters.⁶¹ However, the reported cost of all campaigns was well below the limit.⁶²

Consideration should be given to reviewing the campaign expenditure limit and the amount of public funding, to prevent excessive spending with a potential undue impact on voters and enhance the equality of campaign opportunities.

Pursuant to the political finance law, parliamentary parties are entitled to public funding for women's organizations within their structure, yet parties do not use such funds to meaningfully improve women's participation in political life.⁶³ In the 2022 annual financial reports, the majority of political parties reported expenditure on generic activities such as conferences and meetings, while Citizen's Union – Civis, the United Montenegro (UCG) and True Montenegro (PCG) failed to report on any expenditure related to their women's organizations. Although by law the lack of such information on use of the funds in a party's annual financial report should be sanctioned with discontinuation of public funding, none of the parties faced any consequences for their non-compliance.⁶⁴

To enhance women's participation in political life, party spending of public funds dedicated to their women's organizations should be strengthened and enforced, and sanctions should be applied in cases of non-compliance.

Each prospective candidate list is required to open a dedicated bank account before beginning campaigning and at the latest one day after their registration by the SEC. One list opened an account on 13 April while the remaining 14 after their registration.⁶⁵ While contestants are required to receive all income and conduct all payments from this account, the law does not require bank transfer of donations, which does not enable tracing the movement of funds.⁶⁶ All contestants submitted their

⁶¹ Article 19 of the [UN ICCPR General Comment No. 25](#) states “reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party”.

⁶² In addition to EUR 42,121 public funding, in their final reports, Coalition ‘Together!’ (DPS, SD, LP, DUA) reported private funding of EUR 3,998 and expenditure of EUR 885,819; ‘For the future of Montenegro’ (NSD, DNP, RP) private funding of EUR 16,800 and expenditure of EUR 475,680; ‘Europe Now’ private funding of EUR 2,000, loan EUR 300,000 and expenditure of EUR 388,621; Democrats and URA private funding of EUR 2,700, EUR 20,000 from URA and expenditure of EUR 540,618; HGI no private funding and expenditure of EUR 142,657; Albanian forum no private funding, no own funds or loans and total expenditure of EUR 139,657; SDP no private funding, EUR 7,000 from the party, loan EUR 71,831 and expenditure of EUR 120,782; Movement for changes no private funding, EUR 25,000 from the party and total expenditure of EUR 78,513; ‘Justice for All’ private funding of EUR 4,511 and expenditure of EUR 46,720; Coalition SNP and Demos private funding of EUR 13,348 and expenditure of EUR 55,326; Coalition ‘Složno i Tačka’ private funding of EUR 9,000 and expenditure of EUR 87,998; ‘Preokret’ private funding of EUR 5,732 and expenditure of EUR 47,854; BS no private funding, EUR 6,000 from the party and expenditure of EUR 47,531. Albanian Alliance and ‘Yes We Can’ did not submit their reports by 19 July.

⁶³ The budget funds for the financing of regular activities of women's organizations within political entities in the Parliament amount to 0.05 per cent of the planned total budget funds, exclusive of the capital budget funds and state funds' budget. In [the state budget for 2022](#) the amount of money for women's organizations within the parliamentary parties amounted to EUR 736,000. The amount is divided in equal amounts among the eligible political entities.

⁶⁴ PACE [Resolution 2111 \(2016\)](#), Paragraph 15.3.4., recommends to “ensure that part of the public funding of political parties, when applicable, is reserved for activities aimed at promoting women's participation and political representation and guarantee transparency in the use of the funds”.

⁶⁵ The list “Preokret” opened its campaign account well before its registration, on 13 April. All other lists opened accounts between 12 and 24 May.

⁶⁶ Paragraph 212 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “another means to avoid undue influence from unknown sources is to state in relevant legislation that donations above a certain (low) amount shall be made through bank transfer, bank check or bank credit card, to ensure their traceability in terms of amount and sources”.

bi-weekly donation reports and their expenditure reports within the legal deadlines.⁶⁷ However, contracts with media did not always include prices. Most contestants reported limited funding from donations and deferred payments until after the elections.⁶⁸ Final reports were submitted within 30 days of the election, as required by law.

To enhance transparency, the law should prescribe that donations above a certain (low) amount are made only by bank transfer.

The APC, mandated with oversight of campaign finance, published the submitted campaign finance reports of the contestants on its website in a timely but not easily accessible manner, which does not facilitate public scrutiny.⁶⁹ The APC has a seven-day deadline to publish the donation reports, which is unduly lengthy and does not fully ensure prompt disclosure prior to election day. The APC informed the ODIHR EOM that it verifies whether reported donations are made by registered voters who are not convicted for corruption.⁷⁰ The APC can also verify whether donors are directors of public contractors but not owners of or shareholders in public contractors, which does not ensure effective oversight.⁷¹ In the last week prior to election day, the APC conducted field inspections at party offices, which are prescribed by the APC action plan but not by law.

The law should prescribe that the Agency for Prevention of Corruption is required to publish the campaign finance reports immediately upon receipt and in an easily accessible, user-friendly manner.

Measures should be taken to enable the Agency for Prevention of Corruption to identify donations provided by public contractors, including by means of cross-checking donors against a digital database of public contractors.

The APC contracted the same private agency as for past elections, to collect information and report on campaign expenditure.⁷² The contracted company informed the ODIHR EOM that it has tools to collect information on the estimated costs of campaign expenditure for all media, billboards and some social networks, but not on Google Ads and in-person campaign events. The company starts monitoring only after candidate registration, leaving the campaign before that unmonitored. Several billboards featuring the name, logo and colours of the candidate list ‘Yes We Can’ appeared as early as mid-April. The list informed the ODIHR EOM that it opened a campaign account on 26 May, while these billboards were paid for by an affiliated NGO.

Monitoring of campaign expenditure should start from the call of elections and should include all forms of campaigning including campaign events and Google Ads, as well as other important platforms, to the extent possible.

⁶⁷ Contestants were required to submit their media expenditure reports seven days prior to elections and their preliminary expenditure reports five days prior to elections.

⁶⁸ Contestants informed the ODIHR EOM that they agree with companies and service providers that payments are made after elections, including in instalments from the regular public funding provided to parliamentary parties.

⁶⁹ Paragraph 258 of the [2020 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “digitalizing information and submitting it to the regulatory body in its digitalized, easily searchable and reusable form can facilitate oversight and therefore minimize the need for paper-based procedures”.

⁷⁰ The law bans donations from foreign and anonymous sources, public institutions, state-funded companies, religious communities, NGOs, casinos, gambling agencies and trade unions.

⁷¹ The database on public procurement of the Ministry of Finance contains only the names of the directors of public contractors.

⁷² The company ‘Arhimed’ submits two reports to the APC, one before and one after election day. The APC cross-checks the campaign expenditure reported by the contestants against the information provided by ‘Arhimed’ and requests invoices and contracts from the contestants, when necessary.

The law prohibits third-party campaigning but does not prescribe any sanctions or reporting requirements.⁷³ The APC informed the ODIHR EOM that it only verifies the accuracy of the final reports and refers possible violations to the court. Overall, the regulatory framework, as currently implemented, does not ensure the transparency, integrity and accountability of campaign finances.

The law should prescribe effective, proportionate and dissuasive sanctions for third-party campaigning and an effective mechanism for enforcement, including discontinuation of the unlawful campaign activity and removal of campaign materials.

X. MEDIA

A. MEDIA ENVIRONMENT

The media environment is diverse but polarized along political lines. A considerable high number of media outlets operate in a limited advertising market, which affects their financial viability and makes them vulnerable to influence from corporate and political interests. Television channels remain the main source of news, followed by social networks and online media, with print media playing a less prominent role.⁷⁴ Most of the private media outlets across broadcast, print and online media are partially or fully owned by foreign companies, including all four private television channels with a national license.⁷⁵ National and local television channels, as well as several channels from the region, are accessible via the main cable operators.⁷⁶

The public service broadcaster *Radio and Television of Montenegro* (RTCG) runs three national TV channels and two radio stations.⁷⁷ According to the ODIHR EOM interlocutors and recent surveys, following the appointment of a new Council in June 2021, the public broadcaster has regained public trust and increased its viewership. Yet, a lengthy legal dispute concerning the appointment of its current General Director raises concerns over legal certainty and effective remedy pertaining to breaches of the Law on Public Broadcasting.⁷⁸

⁷³ Article 16 of the [Council of Europe, Committee of Ministers Recommendation 2003\(4\)](#) stipulates that “States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions”. The campaign finance law prohibits, *inter alia*, non-governmental organizations from material and financial assistance and non-financial contributions to political entities or from running media/public campaigns on behalf of a political entity.

⁷⁴ See [CEMI Survey](#) published in May 2023.

⁷⁵ See CDT Reports on ownership of [televisions, online media and print media](#) published in January 2022. The majority shares of *Vijesti TV*, *Nova TV*, *Prva TV* and *Adria TV* are owned by Serbian companies or citizens. The two most popular news websites, *Vijesti* and *CDM* also have foreign companies as majority shareholders.

⁷⁶ According to the [Agency for Electronic Communications and Postal Services](#) Survey conducted in April 2022, 93.4 per cent of the Montenegrin population uses cable operators to access television.

⁷⁷ The Law on Public Broadcasting Services stipulates that the RTCG receives 0.3 per cent of the state annual budget.

⁷⁸ The nine RTCG Council members are nominated by civil society, academia and public cultural institutions and appointed by the Parliament with a simple majority. The RTCG Council appoints the RTCG management. The current Director General was appointed in August 2021 but a court decision ruled his appointment as unlawful. On 30 May, the Higher Court of Podgorica issued a decision ruling that the appointment of the RTCG General Director by the RTCG Council was not in line with the Law on Public Broadcasting Services, which stipulates that being a member of the RTCG Council or management is not compatible with other public official positions. At the time of his appointment, Mr. Raonić was a Board member of the Agency for Electronic Media (AEM), a position that he resigned from a few days after his appointment to RTCG, arguing that his appointment was in line with the Law on Prevention of Corruption, which provides for a 30-day window to resign from a public official position if appointed to a new one. On 1 June, the RTCG Council repeated the voting, and Mr. Raonić was re-appointed sparking a strong reaction from 18 NGOs and media associations that issued a statement arguing that the re-appointment was not in line with the Higher Court of Podgorica decision. On 4 June, the Basic State prosecutor's office in Podgorica opened an investigation on the General Director's re-appointment.

Public media also includes a considerable number of local media for the size of the population, with 16 local public broadcasters funded with a discretionary mechanism by municipalities.⁷⁹ According to several ODIHR EOM interlocutors, local public broadcasters are prone to political influence by the ruling municipality majority.⁸⁰

The independence and editorial freedom of the public broadcasters should be ensured and the system of funding of local public broadcasters should guarantee their independence.

In 2021, the Criminal Code was amended to enhance protection of journalists and other media professionals by imposing harsher punishments for attacks and threats against them. According to the Media Trade Union of Montenegro, in the last two years fewer physical attacks were recorded though there have been more threats, including by email and on social networks. Crimes against media have been dealt with in an expedited manner.⁸¹ Some ODIHR EOM interlocutors voiced concerns that the working conditions and professionalism of journalists affect the overall quality of information presented to the public.

B. LEGAL FRAMEWORK

The Constitution guarantees freedom of expression and the press and prohibits censorship. The media legislation is generally in line with international standards and includes the Law on Media, the Law on Electronic Media (LEM) and the Law on Public Broadcasting Services.⁸² A new set of draft media laws is currently under review to bring the legal framework further in line with EU regulations.⁸³ Print and online media rely upon self-regulation.⁸⁴ While a few media outlets are equipped with an ombudsperson, most of them do not have internal self-regulatory bodies and there is no common widely recognized self-regulatory mechanism in place.

While freedom of media is adequately protected by the legislation and defamation against individuals is decriminalised, there are still legal provisions including on “defamation of the reputation of Montenegro”, “insult in public space” and “causing panic by the dissemination of false news” which may lead to prison sentences.⁸⁵ The provisions criminalising defamation are contrary to international

⁷⁹ Article 16 of the [UN ICCPR General Comment No. 34](#), stipulates: “States parties should ensure that public broadcasting services operate in an independent manner. In this regard, States parties should guarantee their independence and editorial freedom. They should provide funding in a manner that does not undermine their independence.”

⁸⁰ A recent example is *Gradska TV*, a local public broadcaster launched in 2021 by a DPS ruling majority in Podgorica. According to ODIHR EOM interlocutors, *Gradska TV* displays an editorial line close to DPS. On 8 May, the new Mayor of Podgorica, from the political party ‘Europe Now’, proposed to replace the management of the television channel by allowing the Municipal Assembly to directly appoint the management, instead of the *Gradska TV* Council, enabling direct control over the local public broadcaster. The proposal was withdrawn on 10 May following a strong reaction from civil society and media associations.

⁸¹ See [MONTENEGRO Indicators on the Level of Media Freedom and Journalists’ Safety 2022](#).

⁸² The Law on Media and the Law on Public Broadcasting were amended in 2020 enhancing transparency of media ownership, public funding, and allocation of public advertising, and establishing a public fund for media pluralism.

⁸³ A working group composed of representatives of state institutions, including the Directorate of Media within the Ministry of Culture, media and civil society contributed to three draft Laws on Media, on Audiovisual Media Services, and on the Public Broadcaster which were not tabled in the outgoing Parliament.

⁸⁴ The Law on Media considers online media publications as ‘media’. However, registration with the Ministry of Culture is optional; in May 2023 there were 110 registered online publications.

⁸⁵ Article 198 of the Criminal Code prescribes a fine or up to one year of imprisonment for ‘public mockery of Montenegro, its flag, coat of arms, or anthem’ and Article 398 of the Criminal Code up to three years of imprisonment for ‘causing panic by the dissemination of false news’; Article 7 of the Law on Public Order and Peace punishes ‘harsh insult in public space’ with a fine of EUR 250-1,000 or imprisonment of up to 30 days.

standards on freedom of expression, and the provisions on false information are not sufficiently elaborated in the law, which does not safeguard freedom of expression.⁸⁶

To safeguard freedom of expression, defamation should be fully decriminalized and the legal provisions related to false information should be reviewed in line with international standards.

The campaign coverage by public and private broadcasters is regulated by the election law, the LEM, the political finance law and regulations issued by the regulatory body for broadcast and electronic media, the Agency for Electronic Media (AEM). By law, voters have the right to be informed about political programmes of all electoral lists and public and private media are required to cover them in a balanced manner. Campaign coverage should be presented in election news segments clearly separated from other news programmes. Paid advertisement is allowed under equal conditions and without time limitations, provided that it is labelled as paid.⁸⁷ The public broadcaster is required to offer free airtime and equal election coverage as well as to organize election debates.⁸⁸

The effectiveness of the oversight of the election campaign is weakened by the *de facto* absence of a regulatory body, as the election law does not mandate the AEM to oversee broadcast media compliance with the election law.⁸⁹ The AEM's mandate is limited to elaborating and overseeing election-related media by-laws and adjudicating complaints.⁹⁰ Further, the AEM's sanctioning powers are limited either to issuing warnings to broadcast media or the extreme measure of revoking their broadcasting license, with no possibility for fines. Print and online media rely upon self-regulation also for provisions contained in the election law, such as respect of the campaign silence period. As a result, at times, media related provisions of the election law are not enforced.⁹¹

To ensure effective oversight of campaign coverage the Agency for Electronic Media should be mandated to oversee the compliance of broadcast media with election-related provisions and provided with sufficient sanctioning and enforcement powers.

The AEM monitored broadcast media during the election period and initiated 20 *ex officio* procedures against 11 broadcasters, but it did not receive complaints.⁹² While the AEM is not mandated with

⁸⁶ Article 47 of the UN [ICCPR, General Comment No. 34](#), stipulates: "States parties should consider the decriminalization of defamation, and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty." Article 25 of the UN [ICCPR, General Comment No. 34](#), states that "a norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution". The 2017 [UN, OSCE, OAS, ACHPR Joint declaration on freedom of expression and "fake news", disinformation and propaganda](#) states "a. General prohibitions on the dissemination of information based on vague and ambiguous ideas, including "false news" or "non-objective information", are incompatible with international standards for restrictions on freedom of expression, as set out in paragraph 1(a), and should be abolished".

⁸⁷ In total, 48 media companies, including broadcast, print and online media, submitted their pricelists to the APC for this election campaign.

⁸⁸ The election law foresees a minimum of 200 seconds of free airtime daily and 3 minutes of election campaign coverage twice a day for each electoral list.

⁸⁹ The election law provides for an *ad hoc* parliamentary committee, rather than an independent body, to oversee media campaign coverage. However, this committee was not established for this election or the past four elections.

⁹⁰ On 23 March 2023, the AEM issued a Rulebook for the upcoming early parliamentary elections.

⁹¹ For instance, four local public broadcasters (*RTV Budva*, *RTV Pljevlja*, *RTV Rozaje* and *Radio Tivat*) planned to air paid ads and also submitted their pricelist to APC, even though public broadcasters are forbidden from airing paid ads.

⁹² As required by law, 33 broadcast media companies informed the AEM about their intention to cover the election campaign. The AEM conducted a comprehensive media monitoring of 18 TV channels and a random sample monitoring of all broadcasters covering elections from 19 May to 9 June. An interim report was published on 7 June and a final report on 6 July 2023. Most of detected violations were related to news coverage of the campaign outside the "election news segment".

overseeing media-related provisions of the election law, its media monitoring identified some violations of this law.⁹³ Overall, the AEM's monitoring enhanced transparency over the conduct of broadcast media during the campaign.

C. MEDIA MONITORING FINDINGS

ODIHR EOM media monitoring showed that, overall, voters benefited from pluralistic media coverage and candidates were offered access to public and private broadcasters.⁹⁴ However, media mainly offered a platform to contestants to convey their message, rather than journalistic reporting on their campaign activities and an analysis of contestants' electoral programs. For instance, both public and private TV channels, in their "election news segments" largely relayed and aired footage provided by contestants, blurring the line between genuine editorial coverage and free promotion.⁹⁵

The public broadcaster, *RTCG*, complied with the legal requirement to offer contestants free airtime, equal access to election coverage and to organize election debates, but offered limited news coverage of the campaign. The election debates which by law had to include all 15 lists resulted in a very limited time for discussion.⁹⁶ All interviews with contestants and free airtime provided were mainly aired on the less popular Parliamentary television channel.⁹⁷ In line with the law, the public broadcaster of the Municipality of Podgorica *Gradska TV* gave all contestants access to free airtime. However, it offered more news coverage to the list "Together!" both in terms of total time and direct speech, with 33 and 43 per cent, respectively. *Gradska TV* provided negative news coverage of Prime Minister Abazović.⁹⁸ Some local public broadcasters aired political paid advertisements, which is prohibited by the law but remained unsanctioned due to the absence of an oversight body empowered to sanction them.

Vijesti TV, the most popular private television channel, positively contributed to enabling voters to make an informed choice by organizing four election debates with representatives of what they considered to be the main lists, and provided fairly balanced news coverage.⁹⁹ *Prva TV* and *Adria TV* displayed a bias in favour of the electoral list 'For the Future of Montenegro' which benefited from 33 and 40 per cent of their news coverage, respectively and with considerably more direct speech granted to representatives of this list.

The tone of news coverage towards contestants was mainly neutral on all monitored private TV channels. The co-leader and candidate of the list 'Courage Counts!' Mr. Abazović benefited from additional coverage across all TV channels in his capacity as the Prime Minister. Women candidates received 13 per cent of coverage against 87 per cent for male candidates by all monitored TV channels in their editorial programs and free airtime. The lists 'Courage Counts!' and 'For the future of Montenegro' invested more in paid ads on monitored TV channels, representing 25 per cent each of

⁹³ The AEM monitors compliance of the broadcast media with the LEM, AEM's regulations and other relevant bylaws, but not with the election law. The AEM monitoring detected that local public TV channels *TV Pljevlja* and *TV Rožaje* breached the election law by airing paid political advertisement, which is forbidden for national and local public broadcasters.

⁹⁴ The sample includes seven television channels: national and local public TV channels *RTCG 1* and *Gradska TV*, the private TV channels *Vijesti TV*, *Prva TV* and *Adria TV* monitored from 18:00 to 24:00, as well as the election-related coverage of *RTCG2* and *RTCG Parliamentary*. The ODIHR EOM also followed election-related content in three online media outlets: *Borba*, *CDM* and *Vijesti*.

⁹⁵ Most TV channels reported not having enough journalists and equipment to cover campaign events.

⁹⁶ *RTCG* aired four election debates on its first TV channel, *RTCG1*, and two on *RTCG Parliamentary*.

⁹⁷ Election debates and interviews were made available also on the *RTCG* website.

⁹⁸ On 2 June, *Gradska TV* published a [statement](#) denouncing a verbal attack by Prime Minister Abazović against one of its journalists during a press conference of the list 'Courage Counts' held on 1 June, and recalling other attacks received over the last year.

⁹⁹ *Vijesti TV* organized election debates inviting representatives of the lists 'Courage counts!', 'Europe Now', 'For the Future of Montenegro' and 'Together!'

the total paid coverage, followed by ‘Europe Now’ with 20 per cent. Online media contributed to informing the public about the contestants, at times showing a bias, such as *Borba* which often covered ‘Europe Now’ in a negative tone.

XI. ELECTION DISPUTE RESOLUTION

Complaints on breaches of voting rights may be filed to MECs and the SEC. The election law stipulates that SEC decisions dismissing or rejecting complaints may be appealed to the Constitutional Court. The SEC and the Constitutional Court consider that SEC decisions upholding complaints, as well as its actions and inactions, are exempt from judicial review, at odds with international good practice.¹⁰⁰

Electoral contestants, citizen observers and voters may file complaints to election commissions while voters and citizen observers may file complaints to the Constitutional Court only for violations of their individual voting rights, at odds with international good practice.¹⁰¹ An expedited process is applicable to the MECs and the SEC; short deadlines are applicable to the Constitutional Court but may be extended.¹⁰² The SEC reviews complaints in public sessions but without the presence of parties to the dispute. The SEC does not maintain a public complaints database but publishes minutes of sessions and decisions on complaints. Contrary to international good practice and prior ODIHR recommendations, the Constitutional Court deliberates in closed sessions, without the presence of the parties and it is not required to publish the complaints nor all its decisions but publishes only some information on the outcome, failing to ensure due process and transparency.¹⁰³

To enhance transparency and accountability, the law should prescribe an explicit obligation for the Constitutional Court to publish all complaints and decisions on its website and serve them to the parties in a timely manner.

The Constitutional Court received one complaint challenging the presidential decree dissolving parliament and triggering early elections.¹⁰⁴ It reviewed the complaint on 7 April but failed to reach a decision due to a tied vote, which was attributed by many ODIHR EOM interlocutors to its politicisation.¹⁰⁵ Three judges denied the review of the decree on the grounds that it is an individual administrative act as opposed to a normative one, which is a narrow interpretation of the law. The

¹⁰⁰ The election law states that MEC actions, inactions and MEC and SEC decisions dismissing complaints on merits or on technical grounds may be appealed. Paragraph II 3.3.d of the [Code of Good Practice](#) states that “The appeal body must have authority in particular over such matters as the right to vote – including electoral registers – and eligibility, the validity of candidatures, proper observance of election campaign rules and the outcome of the elections”. Further, Paragraph 93 of the Explanatory Report states that “As a precautionary measure, however, it is desirable that there should be some form of judicial supervision in place, making the higher commission the first appeal level and the competent court the second”, and Paragraph 100 stipulates that “The appeal procedure should be of a judicial nature, in the sense that the right of the appellants to proceedings in which both parties are heard should be safeguarded”.

¹⁰¹ Paragraph 99 of the [Code of Good Practice](#) states “Standing in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal. A reasonable quorum may, however, be imposed for appeals by voters on the results of elections”

¹⁰² Complaints against a PB or MEC must be filed within 72 hours and reviewed within 24 hours. A 48-hour deadline is applicable both to appealing and reviewing SEC decisions but the 48-hour deadline for the Constitutional Court starts after the parties make written submissions, which are subject to varying deadlines.

¹⁰³ Paragraph 100 of the [Code of Good Practice](#) states: “The appeal procedure should be of a judicial nature, in the sense that the right of the appellants to proceedings in which both parties are heard should be safeguarded”.

¹⁰⁴ On 17 March, 41 MPs requested the temporary measure of suspension of the presidential decree of 16 March dissolving parliament until the new president is elected.

¹⁰⁵ Currently, the Constitutional Court consists of six judges as the parliament failed to appoint the seventh judge representing national minorities, which would have prevented cases of a tied vote.

court also received two appeals against SEC decisions denying registration of two candidate lists.¹⁰⁶ The court reviewed them in a closed session, rejected both of them as unfounded but did not publish any decision nor did it communicate the outcome to the applicants, at odds with international standards.¹⁰⁷

Individuals and legal entities may file complaints to the APC on campaign finances and breaches of the rules on public employment and expenditure by public institutions after the call of elections. The APC can also review such cases *ex officio*. Pursuant to complaints, the APC has 15 days to decide whether to refer cases to the Misdemeanour Court, which may impose sanctions on public institutions and public officials. APC decisions may be appealed to the Administrative Court. The two courts have no deadline to decide on such cases. The APC reviews cases *in camera* while courts do so in public sessions. At odds with international standards, the courts are not required to publish their decisions, while the APC publishes some information on complaints. While this mechanism does not fully ensure an expedient dispute resolution and due process, it may provide some transparency and accountability on the use of state resources, if implemented properly. The APC informed the ODIHR EOM that 28 complaints were filed on public employment and public spending, which were not referred to the court. The APC referred to the court *ex officio* 43 cases which were pending court review more than two months after the elections. The dispute resolution mechanisms, as currently implemented, do not ensure due process, transparency and a timely and effective remedy.

Candidates, candidate lists and voters have the right to request invalidation of PB results within 72 hours after the PB protocols are delivered to the MECs. Stakeholders, including the SEC and the Constitutional Court, consider the MEC and SEC tabulated results, not as decisions but merely as “arithmetical calculations” which may not be challenged.¹⁰⁸ The law lists 7 grounds for mandatory invalidation of results and 13 grounds for optional invalidation, thus granting the MECs wide discretionary powers to decide.¹⁰⁹ In addition, the Constitutional Court may invalidate results partially or fully, for violations which may have an impact on the election results, which are not defined by law. Such discretionary powers of the MECs and the court do not safeguard against arbitrary and inconsistent decisions¹¹⁰ and some of the above issues may in fact not affect the results and are thus not significant enough to entail invalidation of results, at odds with international good

¹⁰⁶ By the submitters of the candidate lists *Casa de Papel* and the Montenegrin Civic Action.

¹⁰⁷ Paragraph 13.9 of the [1989 OSCE Vienna Document](#) provides for “the right to be promptly and officially informed of the decision taken on any appeal, including the legal grounds on which the decision was based. This information will be provided as a rule in writing and, in any event in a way that will enable the individual to make effective use of further available remedies”.

¹⁰⁸ Paragraph 92 of the [Code of Good Practice](#) states “...failure to comply with the electoral law must be open to challenge before an appeal body. This applies in particular to the election results...”

¹⁰⁹ Mandatory invalidation of results is required for following reasons: the PS layout not ensuring secrecy of the vote, disruption of the voting process, voters not allowed to vote at closing, the control coupon is not found in the ballot box, modification of voter list, discrepancy between the number of ballots found in the ballot box and signatures in the voter list or control coupons, the serial number of several control coupons does not correspond to the particular PS or the numbers of several control coupons are the same.

¹¹⁰ The law conditions requests for invalidation upon having recorded the alleged irregularity in the PB protocol. The law does not list any grounds for the Constitutional Court to invalidate results. In *Riza and Others v. Bulgaria* (2016), the European Court of Human Rights (ECtHR) noted that “the decision-making process on ineligibility or contestation of election results is accompanied by criteria framed to prevent arbitrary decisions. In particular, such a finding must be reached by a body which can provide a minimum of guarantees of its impartiality. Similarly, the discretion enjoyed by the body concerned must not be exorbitantly wide; it must be circumscribed, with sufficient precision, by the provisions of domestic law”.

practice.¹¹¹ The law does not provide for formal recounts for issues such as discrepancies in the PB protocols but contestants may inspect the PB electoral materials.

The law should be amended to prescribe the right to request recounts in case of discrepancies in the polling boards protocols. Invalidation of results should only be an option in case of significant irregularities which might have a potential impact on the result.

XII. ELECTION OBSERVATION

The law provides for citizen and international election observation. The SEC accredits both domestic and international organizations; though, international observers apply for accreditation in the first instance through the Ministry of Foreign Affairs.

By law, observers have the right to observe all stages of the electoral process. For these parliamentary elections, 20 organizations, including 8 domestic ones, were accredited by the SEC in an inclusive manner.

Some citizen groups raised concerns about not being able to access the signature verification phase for voters signing candidates lists. The SEC met with the Agency on Personal Data Protection and Free Access to Information in a public consultation with domestic observer representatives in order to discuss the matter. However, the Agency expressed a negative opinion on the request from civil society to scrutinize the signature lists on the basis of data protection concerns.¹¹²

XIII. PARTICIPATION OF NATIONAL MINORITIES

The Constitution recognizes Montenegrin as the state language, allowing for the use of both Cyrillic and Latin script. Serbian, Bosnian, Albanian and Croatian are also recognized as official languages. Cyrillic was used in these elections for all the election material, in line with the prescribed SEC practice to alternate the scripts used in consecutive electoral processes.¹¹³ In accordance with the legal requirement on the official use of minority languages in municipalities in which at least 5 per cent of the population belongs to a minority, election materials were available in all respective polling stations.¹¹⁴

¹¹¹ Section 3.3.e. of the [Code of Good Practice](#) states: “The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station. In the event of annulment, a new election must be called in the area concerned.” Paragraph 101 of the [Code of Good Practice](#) states: “The powers of appeal bodies are important too. They should have authority to annul elections, if irregularities may have influenced the outcome, i.e. affected the distribution of seats. This is the general principle, but it should be open to adjustment, i.e. annulment should not necessarily affect the whole country or constituency – indeed, it should be possible to annul the results of just one polling station. This makes it possible to avoid the two extremes – annulling an entire election, although irregularities affect a small area only, and refusing to annul, because the area affected is too small. In zones where the results have been annulled, the elections must be repeated.”

¹¹² Concerns were also raised that identification of voters’ signatures may disclose their political preference.

¹¹³ Latin script was used for election materials produced for 2020 parliamentary elections.

¹¹⁴ This included the signature collection forms, PB poll books and bilingual ballot papers (Montenegrin and Albanian), in all polling stations in Tuzi and Ulcinj municipalities and in some polling stations of Bar, Gusinje, and Rožaje municipalities.

A number of ODIHR EOM interlocutors, including the Ombudsperson, stated that the existing affirmative measure of a special lower electoral threshold for national minorities should be extended to the Roma community.¹¹⁵

The law does not prescribe any criteria for granting the status of a national minority candidate list, but allows for, *inter alia*, a lower number of support signatures. While the aim of the provisions is protection of national minorities, several ODIHR EOM interlocutors raised concerns that the provisions are open to abuse by contestants in order to more easily gain representation in parliament and access to public funding.¹¹⁶ The SEC registered four lists representing minorities, the Albanian Alliance, the Albanian Forum, the Bosniak Party (BS), and the Croatian Civic Initiative (HGI), which cumulatively won 10 seats in the parliament (12.3 per cent). Albanians, Bosniaks and Croats were also integrated in major political parties' lists, including in potentially winning positions.

To ensure equal and fair representation of national minorities, election legislation should provide clear guidance on criteria for granting the status of a national minority candidate list, to ensure that the special provisions for such a list cannot be abused.

No discriminatory rhetoric against national minorities was observed or reported to the ODIHR EOM. While some electoral contestants underlined the importance of preserving the multi-ethnic character of the society, representatives of national minority candidate lists prioritized in their programs the interests of their respective communities.

XIV. ELECTION DAY

Election day was calm and according to IEOM observers, transparently and professionally managed by the election commissions. The IEOM observed the opening proceedings in 60 polling stations, with all but one of the observations assessed positively. Election materials were present in all polling stations and voting commenced on time in 52 polling stations observed. Some procedural issues were noted during the opening, such as the ballot box not being checked and sealed in the presence of the first voters in 5 observed instances, and the tasks of individual PB members not being determined by drawing lots in 24 observations.

Observers positively assessed the voting process in 98 per cent of the 615 observations with voting procedures consistently followed in 92 per cent of the observations. In 27 per cent of polling stations observed, the chairperson was a woman, and, overall, 33 per cent of PB members were women. The layout of the polling station was adequate to conduct voting in 96 per cent of the observations but in 6 per cent the layout did not meaningfully ensure the secrecy of the vote. In all polling stations observed, the PB co-operated fully with the IEOM observers.

PB members were checking voters' identification documents by Electronic Voter Identification Devices (EVID) in almost all of the polling stations observed. The transparency of the voting process was rated as good or very good everywhere and citizen observers were present in 60 per cent of the polling stations observed. Extended PB members from 'Europe Now', 'Together!', 'Courage Counts', 'For the Future of Montenegro' and 'Justice for All' were most frequently present at polling stations observed. However, IEOM observers reported a lack of awareness regarding their role.

¹¹⁵ See the [Third of Opinion on Montenegro](#) of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities and the Ombudsperson [statement](#).

¹¹⁶ During the candidate registration process, the citizens' movement *Casa de Papel* submitted registration documents as an Italian minority candidate list, thereby requiring only 300 signatures. The list was not registered due to incomplete documentation, but the leader of *Casa de Papel* informed the ODIHR EOM that their intention behind the submission of the list was to mock the system, including affirmative measures.

The IEOM observed some procedural shortcomings during voting. In 5 per cent of the observations the ballot box was not properly sealed, in 16 per cent the ordinal number of the voter was not circled in the register, in 9 per cent, the confirmation slip was not signed by the PB chairperson and member of the opposition and in 6 per cent the ballot control coupons and EVID slips were not always placed in the designated box. In 3 per cent of observations unauthorized persons were present at the polling stations, but not interfering in the process.

The majority of the polling stations observed were not conducive for voting of persons with disabilities. IEOM observers reported that 63 per cent of the polling stations visited did not provide for independent access for persons with a disability. In 28 per cent, the polling station layout was not suitable for persons with disabilities and in 15 per cent of observations, the polling station did not have the ballot sleeves for visually impaired voters.

The authorities should enhance their efforts to ensure that voters with disabilities, including those with visual impairments, can vote independently or with proper assistance. Efforts should be undertaken to ensure that polling station premises and layout are suitable for independent access.

The IEOM observed the counting in 57 polling stations, assessing it as good or very good in 48 cases. The process was assessed as transparent in 51 of the observed counts and citizen observers were present in 37 cases. In seven cases the count was negatively assessed, with IEOM observers reporting that the procedures were not always followed. For instance, the number of unused ballots, as well as the number of control coupons and slips was not counted prior to opening the ballot box in 18 and 17 observations respectively. In 5 of the 57 observed counts at the polling stations, the PB had difficulties completing the protocol.

IEOM observed the tabulation at all 25 MECs and assessed the process as overall good and transparent. Citizen observers were present in five of the observed MECs. In four MECs, IEOM observers reported that there was insufficient space or inadequate conditions and in 11 observed MECs there were some reconciliation problems, including minor mistakes with protocols requiring corrections. The preliminary voter turnout was announced as 55.31 per cent by the SEC. The SEC did not announce preliminary results, as the law only requires publication of complete preliminary results within 30 hours from closing of the voting.¹¹⁷ This limited transparency and accountability of the election process.

To enhance public confidence, the State Election Commission should publish results disaggregated by polling stations in a consistent format as soon as the results are available to enable public scrutiny and meaningful contestation of results.

XV. POST-ELECTION DAY DEVELOPMENTS

After election day, two lists which fell just below the 3 per cent legal threshold to enter the parliament, requested invalidation of results and repeat voting in some 130 PBs.¹¹⁸ Initially, the two lists requested inspection of PB electoral materials in 5 MECs, with 3 MECs granting the request. Contrary to the law, the MEC Tivat refused inspection and provided it only after a SEC order and after the deadline for challenging results had expired while the MEC Bar did not respond to the request at all. Subsequently, SDP requested invalidation of results of 8 PBs and ‘Justice for All’ of some 130 PB

¹¹⁷ During this period, unofficial results are made available only by citizen observers and political parties.

¹¹⁸ Based on the 302,217 valid votes cast, the 3 per cent threshold amounts to 9,067 votes. The requests were submitted by SDP, which obtained 8,752 votes, falling short of 315 votes for passing the threshold, and ‘Justice for All’, which received 8,370 votes, falling short of 697 votes to pass the threshold.

results in 10 MECs and all but two were rejected.¹¹⁹ The complainants alleged mismatching numbers of ballots and control coupons or voters' signatures, including the number of ballots exceeding the number of control coupons or voters' signatures, which by law entails mandatory invalidation of results. The MECs did not review these requests in public sessions, neither the complainants nor observers were present and only some MECs published their decisions, thus diminishing the transparency and integrity of the process.

All MEC decisions on invalidation of results were appealed to the SEC. The SEC found in favor of the appellants in two appeals of MEC decisions ordering repeat voting in two PBs and cancelled the scheduled repeat voting.¹²⁰ Further, the SEC rejected all the appeals filed by the two lists against all MEC decisions denying repeat voting. These SEC decisions were taken following lengthy and heated discussions. The two complainants noted to the ODIHR EOM that repeat voting even in a few polling stations was likely to alter the composition of the parliament.¹²¹ The two lists appealed two SEC decisions to the Constitutional Court, which granted one, annulling voting and ordering a repeat election in one polling station in Cetinje.¹²² No complaints were filed against the results of the two PBs where repeat voting was held. The SEC published final results on 15 July, 7 days after the repeat voting was held.¹²³

The parliament is required to convene within 15 days from the announcement of final results. Pursuant to the convention of the parliament, the president has 30 days to nominate a prime minister-designate, who has 90 days to form a government and receive a vote of confidence in parliament. The Constitution grants broad discretionary powers to the president to nominate a prime minister and does not state whether there can be another nominee, in case the first one fails to obtain a vote of confidence.

XVI. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in Montenegro and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed.¹²⁴ ODIHR stands ready to assist the authorities of Montenegro to further improve the electoral process and to address the recommendations contained in this and previous reports.

¹¹⁹ SDP requested invalidation of the results of 4 PBs in Tivat, 2 in Cetinje, 1 in Bijelo Polje and 1 in Rozaje. Justice for All requested invalidation of results in the MECs in Andrijeviica, Bar, Berane, Budva, Kolasin, Niksic, Pljevlja, Podgorica, Ulcinj, Herceg Novi, and Zeta. The repeat voting in Cetinje took place on 22 June. In Tuzi, repeat voting was conducted in one PB on 8 July due to interrupted voting on election day.

¹²⁰ The appeal against the repeat voting in Cetinje was filed by DPS while the appeal for Kolasin was filed by a voter.

¹²¹ If both SDP and 'Justice for All' passed the threshold, they would obtain two seats each, decreasing the number of seats of the first three lists.

¹²² The court ordered repeat voting in one polling station in Cetinje, pursuant to an appeal filed by SDP.

¹²³ By law, the SEC was required to announce the final election results on 26 June, but the SEC considers this more of an indicative deadline rather than a binding one.

¹²⁴ According to Paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations". The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendations 3, 8, 10, 14-16 and 21 from the final report of the 2018 presidential election ([2018 Final Report](#)) and recommendations 3, 8, 19, 21 and 22 from the 2020 parliamentary elections ([2020 Final Report](#)) are partially implemented. Recommendation 17 from the 2018 Final Report and recommendation 2 from the 2020 Final Report are mostly implemented. See also the [ODIHR Electoral Recommendations Database](#).

A. PRIORITY RECOMMENDATIONS

1. A comprehensive review of the legal framework should be undertaken to address previous ODIHR recommendations, and eliminate existing gaps and inconsistencies. In line with international good practice, the review process should be open, inclusive and consultative and take place well before the next elections.
2. Constitutional provisions regarding the call for parliamentary elections should be amended to ensure clarity and procedural certainty in the appointment of the government and the dissolution of parliament.
3. To enhance women's participation in public life, comprehensive legal, institutional, and educational efforts addressing existing gender stereotypes should be undertaken by the authorities. Political parties should undertake effective measures to identify and overcome gender-biased barriers for women candidates and a thorough assessment should be conducted on the impact of the gender quota on the election of women officeholders at all levels.
4. To enhance public confidence, the State Election Commission should publish results disaggregated by polling stations in a consistent format as soon as the results are available to enable public scrutiny and meaningful contestation of results.
5. The independence and editorial freedom of the public broadcasters should be ensured and the system of funding of local public broadcasters should guarantee their independence.
6. The law should be amended to prescribe the right to request recounts in case of discrepancies in the polling boards protocols. Invalidation of results should only be an option in case of significant irregularities which might have a potential impact on the result.
7. To enhance transparency and accountability, the law should prescribe an explicit obligation for the Constitutional Court to publish all complaints and decisions on its website and serve them to the parties in a timely manner.

B. OTHER RECOMMENDATIONS

Election Administration

8. The independence of election commissions should be strengthened by ensuring security of tenure, with the establishment of clear and objective criteria for the grounds for dismissal of election commissioners.
9. The election administration should collect and publish gender disaggregated data in a comprehensive manner to facilitate the development of targeted measures aimed at increasing the participation of women.
10. To enhance transparency and accountability, Municipal Election Commissions should facilitate public participation in their meetings through timely publication of agendas and minutes of the respective sessions.
11. The authorities, including the election administration, should consider consistent implementation of the training programme for election management bodies as well as the development of a comprehensive long-term voter education and information programme for different target audiences in close consultation with organizations representing these groups.

Voter education and information materials should be produced in line with accessibility standards.

12. The authorities should enhance their efforts to ensure that voters with disabilities, including those with visual impairments, can vote independently or with proper assistance. Efforts should be undertaken to ensure that polling station premises and layout are suitable for independent access.

Voter Registration

13. The length of the residence requirement for voters should be reviewed in line with international standards and good practice.
14. To address concerns over the accuracy of the voter lists and increase public confidence, consideration should be given to revising the mechanism of reporting and registration of deaths to ensure timely data exchange and correction of citizens' records. Various stakeholders, including political parties and civil society organizations, should be consulted on the legal changes in this regard.

Candidate Registration

15. Access to the voter register should be limited to data required to identify voters. To strengthen the integrity of the process, access to sensitive data, such as the ID number, should be limited. A timely and adequate remedy for cases of signature forgery should be provided.

Election Campaign

16. While campaigning on social networks, incumbents should ensure a meaningful distinction between their official functions and campaigning activities.

Campaign Finance

17. Consideration should be given to reviewing the campaign expenditure limit and the amount of public funding, to prevent excessive spending with a potential undue impact on voters and enhance the equality of campaign opportunities.
18. To enhance women's participation in political life, party spending of public funds dedicated to their women's organizations should be strengthened and enforced, and sanctions should be applied in cases of non-compliance.
19. To enhance transparency, the law should prescribe that donations above a certain (low) amount are made only by bank transfer.
20. The law should prescribe that the Agency for Prevention of Corruption is required to publish the campaign finance reports immediately upon receipt and in an easily accessible, user-friendly manner. Measures should be taken to enable the Agency for Prevention of Corruption to identify donations provided by public contractors, including by means of cross-checking donors against a digital database of public contractors.
21. Monitoring of campaign expenditure should start from the call of elections and should include all forms of campaigning including campaign events and Google Ads, as well as other important platforms, to the extent possible.

22. The law should prescribe effective, proportionate and dissuasive sanctions for third-party campaigning and an effective mechanism for enforcement, including discontinuation of the unlawful campaign activity and removal of campaign materials.

Media

23. To safeguard freedom of expression, defamation should be fully decriminalized and the legal provisions related to false information should be reviewed in line with international standards.
24. To ensure effective oversight of campaign coverage the Agency for Electronic Media should be mandated to oversee the compliance of broadcast media with election-related provisions and provided with sufficient sanctioning and enforcement powers.

Participation of National Minorities

25. To ensure equal and fair representation of national minorities, election legislation should provide clear guidance on criteria for granting the status of a national minority candidate list, to ensure that the special provisions for such a list cannot be abused.

ANNEXE I: FINAL ELECTION RESULTS¹²⁵

Total number of registered voters	542,468
Total number of votes cast	305,324
Total number of valid votes	302,436
Total number of invalid votes	2,890
Turnout (percentage)	55.31

NR on the ballot	Candidate List	Votes won	Mandates won	Percentage of valid votes
1	It is clear! – Bosniac Party - Mr Ervin Ibrahimović	21,423	6	7.08
2	HGI – On the right side of the world	2,226	1	0.74
3	JUSTICE FOR ALL! - PhD VLADIMIR LEPOSAVIĆ	8,380	0	2.77
4	SNP - DEMOS – FOR YOU	9,472	2	3.13
5	PEOPLE'S COALITION – TOGETHER AND FULL STOP - (Dejan Vukšić - Christian Democratic Movement; Marko Milačić – True Montenegro; Vladislav Dajković – Free Montenegro; Dragica Perović - Democratic Serbian Party; dr Novica Stanić - Movement for Pljevlja)	3,630	0	1.20
6	ALBANIAN ALLIANCE – ALEANCA SHQIPTARE	4,512	1	1.49
7	Turnaround for stable Montenegro – Srđan Perić	4,833	0	1.60
8	Movement for Changes – MONTENEGRO FIRST - Nebojša Medojević – Reforms for salvation of the country	1,993	0	0.66
9	YES. WE CAN FOR CIVIC MONTENEGRO!	1,464	0	0.48
10	TOGETHER! For the future that belongs to you – Danijel Živković (DPS, SD, DUA, LP)	70,228	21	23.22
11	EUROPE NOW – MILOJKO SPAJIĆ	77,203	24	25.53
12	SDP – FOR OUR HOME	9,010	0	2.98

¹²⁵

Data according to the final results [published by the SEC](#) on 15 July 2023

13	ALEKSA AND DRITAN – COURAGE Counts !	37,730	11	12.48
14	FOR THE FUTURE OF MONTENEGRO (NEW SERBIAN DEMOCRACY, DEMOCRATIC PEOPLE'S PARTY OF MONTENEGRO, WORKERS' PARTY)	44,565	13	14.74
15	Albanski forum - Nik Gjelošhaj "BESA for European Development " Forumi shqiptar - Nik Gjelošhaj "BESA për Zhvillim Evropian"	5,767	2	1.91

ANNEXE II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

Parliamentary Assembly of the Council of Europe

Reinhold	Lopatka	Head of Delegation	Austria
Jorida	Tabaku	MP	Albania
Stefan	Schennach	MP	Austria
Domagoj	Hajdukovic	MP	Croatia
Constantinos	Efstathiou	MP	Cyprus
Carine	Roller-Kaufman	Secretariat	France
Liliane	Tanguy	MP	France
Jacques	Le Nay	MP	France
Harald	Weyel	MP	Germany
Michael	Janssen	Venice Commission	Germany
Fiona	O'Loughlin	MP	Ireland
Renata	Tardioli	Venice Commission	Italy
Cécile	Hemmen	MP	Luxembourg
Edite	Estrela	MP	Portugal
Bogdan	Torcatoriu	Secretariat	Romania
Corneliu Mugurel	Cozmanciuc	MP	Romania
José María	Sanchez Garcia	MP	Spain
Adnan	Dibrani	MP	Sweden
Andriy	Lopushansky	MP	Ukraine

European Parliament

Nikos	Papandreou	Head of Delegation	Greece
Roza	Thun	MEP	Poland
Ryszard	Czarnecki	MEP	Poland
Pilar	Gonzales	Secretariat Staff	Spain
Raffaele	Luise	Secretariat Staff	Italy
Aleksander Eryk	Gruk	Staff	Poland

ODIHR EOM Long-term Observers

Miroslav	Krcmar	Czech Republic
Pia	Christmas-Møller	Denmark
Gael	Dupont-Ferrier	France
Meri	Kapanadze	Georgia
Kirsten	Müller	Germany
Suhail	Ahmad	Ireland
Daniela Ida	Bottigelli	Italy
Darko	Pavlović	Netherlands
Andreas	Aabel	Norway
Elof	Dahmén	Sweden

Monica	Giambonini	Switzerland
Marsha	Weinerman	United States

ODIHR EOM Short-term Observers

Anahit	Chalikyan	Armenia
Ashot	Movsisyan	Armenia
Manfred	Aschaber	Austria
Khagani	Hajiyev	Azerbaijan
Saundra	Arberry	Canada
Joseph	Landry	Canada
Arianne	Petch Gotuzzo	Canada
Ivan	Galic	Croatia
Martina	Popovic	Croatia
Lenka	Audy	Czech republic
Kristyna	Kabzanova	Czech republic
Merete	Laubjerg	Denmark
Niels Henrik Jermiin	Nielsen	Denmark
Michael	Poulsen	Denmark
Pyry	Koskinen	Finland
Katarine	Lindstedt	Finland
Jocelyne	Caballero	France
Melissa	Diagne	France
Olivier	Huyghe	France
Marie-Flore	Michel	France
Maxence	Peniguet	France
Pascal	Salagnac	France
Claudio	Serafini	France
Pascale	Trimbach	France
Matthias	Vazquez	France
Lea	Zambrano	France
Sofio	Rurua	Georgia
Rudiger Friedrich Uwe	Danapel	Germany
Dominika	Eichstaedt	Germany
Thomas michael	Froehlich	Germany
Christine	Kruger	Germany
Tobias	Raffel	Germany
Benjamin	Smale	Germany
Alexandra	Thein	Germany
Christoph	Veith	Germany
Matthias paul	Zeller	Germany
John paul	Coakley	Ireland
Patrick	Donnelly	Ireland
Bernadette	Mcgonigle	Ireland
Orla	Ryan O'Kelly	Ireland
Sara Kathleen	Stephens	Ireland

Eugenio	Del Punta	Italy
Valentina	Tropiano	Italy
Valeria	Verdolini	Italy
Minke	Gommer	Netherlands
Timo	Langemeijer	Netherlands
Tanja	Van de Linde	Netherlands
Adrianus	Zagers	Netherlands
Elstad	Bendik	Norway
Trond	Botnen	Norway
Kristin	Hauge	Norway
Marianne	Lyseng	Norway
Carl	Petersen	Norway
Claudia-Iolanda	Butnaru	Romania
Adina	Paraschiv	Romania
Branko	Dekleva	Slovenia
Jan Karl Gert	Bolling	Sweden
Anna Madeleine	Hagg-Liljestrom	Sweden
Vera Margareta	Hagblom	Sweden
Cecilia Anna Marta	Hull Wiklund	Sweden
Bjorn erik	Lundqvist	Sweden
Erik, Magnus, Ingemar	Persson	Sweden
Bengt Tomas Alexander	Sjoberg	Sweden
Zackie Birgitta Madeleine	Stroje Wilkens	Sweden
Asa	Turesson	Sweden
Peter	Wallberg	Sweden
Manne Olof Oscar	Wangborg	Sweden
Lisa	Westholm	Sweden
Sofia Leila	Zitouni	Sweden
Fabio	Baiardi	Switzerland
Mario	Barfus	Switzerland
Michel	Bosshard	Switzerland
Michele	Calastri	Switzerland
Daniele	D'esposito	Switzerland
Johanna	Estermann	Switzerland
Johannes	Koepfel	Switzerland
Andreas	Speiser	Switzerland
Stefan	Ziegler	Switzerland
Robert	Balanoff	United States
Omar	Bartos	United States
Carol	Bender	United States
Donal	Doyle	United States
Dorothy	Hickok	United States
Gregoire	Houel	United States
Gail	Kalinich	United States
Marsha	Kennedy	United States

Oiena	Lennon	United States
Dyrrell	Moon	United States
Susana	Peruzzi	United States
Anne	Peskoe	United States
Octavius	Pinkard	United States
Nadia	Zoubir	United States

ODIHR EOM Core Team Members

Nina	Suomalainen	Head of Mission	Finland
Mišo	Imamović		Bosnia and Herzegovina
Elissavet	Karagiannidou		Greece
Rocco Giovanni	Dibiase		Italy
Pietro	Tesfamariam		Italy
Robert	Lech		Poland
Daria	Paprocka		Poland
Katarzyna	Witt		Poland
Roman	Railean		Romania
Saša	Pokrajac		Serbia
Ranko	Vukčević		Serbia
Mark	Stevens		United Kingdom

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).